IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23215 of 2004

Between:

Smt. K. Narayanamm a, W/o. K. Rangaramappa,
R/o. Kandukurivaripalle, H/o. Joukalakothapalli Village

Amadagur Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Mandal Revenue Officer, Amadagur Mandal , Anantapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not granting stay pending disposal of the appeal as illegal and consequently stay the order of the 2nd respondent passed in Rc. 1062/2004 dt. 3.7.2004 pending disposal of the appeal before 1st respondent and pass such other or further order as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

This is the second writ petition filed by the petitioner, in relation to suspension of her dealership of a fair price shop. The 2nd respondent issued a Show-Cause Notice-cum-Suspension Order, dated 03.07.2004, against the petitioner, alleging that she is not residing in the jurisdiction of the fair price shop and that she is distributing the commodities only on one or two days in a month. She preferred an appeal before the 1st respondent. It was rejected through an order, dated 18.08.2004. W.P.No.15529 of 2004 was filed against it. Through its order, dated 31.08.2004, this Court had set aside the order of the 1st respondent on the ground that it does not contain any reasons. The 1st respondent was directed to pass orders in the appeal, afresh, within a period of three weeks from the date of receipt of the order. The complaint of the petitioner is that no orders have been passed by the 1st respondent so far, and she is put to hardship in the meanwhile.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

If the 1st respondent has not disposed of the appeal as directed by this Court within the stipulated time, in a way, it amounts to non-compliance with the directions of this Court. Strictly speaking, the remedy of the petitioner is to file a Contempt Case. The matter was adjourned to enable the learned Government Pleader for Civil Supplies to verify as to whether the appeal is still pending. It is stated that the 1st respondent has not disposed of the appeal as yet.

Even assuming that there are valid reasons for the failure to dispose of the appeal within the time stipulated by this Court, petitioner cannot be made to suffer on

account of the same.

Hence, the writ petition is disposed of directing that the order of suspension passed against the petitioner shall stand stayed during the pendency of the appeal before the 1st respondent, and she shall be entitled to function as fair price shop dealer. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Dated : 16th December, 2004

Note: Furnish copy in

two days

(B/o.)

Ts

To

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Mandal Revenue Officer, Amadagur Mandal , Anantapur District.

4 2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

5 2 CD copies